

REMARKS

Claims 1-52 are currently pending in this application. Claims 1, 24 and 48 are currently amended. Claims 2-20, 22-23, 25-40, 42-47 and 49-51 are original. Claims 21, 41 and 52 are canceled. Claims 53-59 are new. No new matter is added. Claims 1, 2, 5, 6, 8, 10, 14-22, 24, 25, 30, 31, 33, 35-42 and 44-52 stand rejected under U.S.C. §102(b) as being anticipated by U.S. Patent no. 3,572,462 to Gray (referred to herein after as "Gray"). Claims 3, 4, 7, 9, 11-13, 23, 26-29, 32, 34 and 43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gray.

Applicants hereby traverse the rejection and respectfully requests reconsideration in view of the remarks set forth below.

As stated in the MPEP §2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicants amend claim 1 to include the limitations of claim 21. Currently amended claim 1 recites a system for sensing motion of a surface. The system includes a seismic sensor coupled to the surface and a shield configured to enclose the seismic sensor. The shield includes a compliant seal which couples the shield to the surface.

Gray fails to describe a shield that includes a compliant seal to couple the shield to a surface. The Office Action asserts that Gray describes this feature at column 4, lines 38 – 44. Applicants respectfully disagree. This passage describes a "rim or seal of suitable plastic material, such as heavy mud, [that] may be placed on the ground in contact with the lower end portions of the housings [10']". The "seal" in Gray is just matter placed on the ground upon which the housing (10) may be placed. It is not part of the shield. Yet, a shield including a compliant seal is the

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Amendment dated June 23, 2006
Reply to Office Action of March 23, 2006

explicit subject matter of currently amended claim 1. Thus, Gray does not describe all the elements of amended claim 1 as is required by MPEP §2131 to make a proper rejection under §102.

Applicants therefore request reconsideration and withdrawal of the rejection of amended claim 1. Claims 2 – 20, 22 – 23, 49 – 51 and 53 depend from claim 1 and add further limitations thereto. Thus, applicants request reconsideration and withdrawal of the rejections of these claims too. Currently amended independent claims 24 and 48 include similar subject matter. Claims 25 – 40, 42 – 43, 54 and 49 – 51, 56 depend from independent claims 24 and 48. Applicants respectfully request reconsideration and withdrawal of the §102 rejections of these claims, too.

Independent claim 44 includes a seismic sensor, a shield, and a suspension. The shield is coupled to the seismic sensor using the suspension. Gray does not describe a suspension that couples the shield to the seismic sensor. The Office Action alleges that Gray teaches such a suspension in Figure 3. However, the alleged suspension (38) is an “electrical cable” which “pass[es] upwardly through the neck of the receptor housing...” (*See Col. 3, Line 11 and Col. 3, Lines 19 – 21*). The housing does not couple to the seismic sensor as recited in independent claim 44. Therefore, Gray does not describe all the elements of independent claim 44. Applicants request reconsideration and withdrawal of the rejection of claim 44. Claims 45 – 47 and 55 depend from claim 44 and add further limitations thereto. Thus applicants request reconsideration and withdrawal of the rejection of these claims too.

In addition, various ones of the claims that depend from independent claims 1, 24, 44 and 48 recite additional subject matter that further distinguishes over the cited reference. For example, newly added claims 53 – 56 recite a shield having at least three distinct layers. Gray does not describe such a shield in rejecting claim 38. The Office Action suggests that Figure 3 of Gray illustrates a shield having a shell, an acoustically absorptive material layer and a structural damping material layer. These components, however, do not form three distinct layers. They are only two layers; an outer shell (32) and a liner or cushion (34) combined to form a housing (10'). Therefore,

it is not a shield having at least 3 layers as recited in claims 53-56. Thus applicants request allowance of these new claims.

Applicants also add new claims 57 – 59. Support for claims 57 – 59 can be found at least at Paragraph 25, of the specification and in Figures 1-4. New independent claim 57 recites an aerodynamically shaped shield. Gray does not describe an aerodynamically shaped shield as recited in claim 57. The housing in Gray is substantially bell-shaped having a protruding “tubular neck portion” (14’) and “cables” (44) extending out from the top. (*See Fig. 3*). These features would generate turbulence in the presence of wind. Thus, the housing is not aerodynamic. Therefore, Gray does not describe all the elements of claim 57. Accordingly, Applicants request allowance of new claim 57. Claims 58 and 59 depend from claim 57 and add further limitations thereto. Thus applicants request allowance of these claims too.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Dated: June 23, 2006

Respectfully submitted,

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